

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

July 7, 2020 at 10:00 a.m.

ALL APPEARANCES MUST BE TELEPHONIC  
(Please see the court's website for instructions.)

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INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Lindsey Peratis, the Courtroom Deputy, at (916) 930-4473 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.
3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
4. If no disposition is set forth below, the matter will be heard as scheduled.

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1.	<a href="#">19-27600</a> -C-13	ROSALIND SMITH	MOTION TO CONFIRM PLAN
	<a href="#">PGM</a> -2		5-14-20 [ <a href="#">85</a> ]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

2. [20-21208](#)-C-13 VLADI ZAVER  
[MS-1](#)

MOTION TO CONFIRM PLAN  
5-19-20 [[33](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

3. [20-21509](#)-C-13 MICHELLE PELLETIER  
[RDG-1](#)

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
5-5-20 [[14](#)]

**Final ruling:**

This objection has been resolved by the parties and an order confirming plan has been entered by the court. As such, the matter is removed from calendar.

4. [16-23810](#)-C-13 DANIEL WRIGHT  
[SLH-2](#)

MOTION TO INCUR DEBT  
6-8-20 [[51](#)]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion to incur debt is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

5. [20-22010](#)-C-13 VIOLET SOMERA  
[RDG-1](#)

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
6-23-20 [[21](#)]

6. [20-20612](#)-B-13 WILLIAM/MELIDA BAUMIESTER CONTINUED MOTION TO CONFIRM  
[HLG](#)-1 PLAN  
4-20-20 [[21](#)]

**Final ruling:**

This objection has been resolved by the parties and an order confirming plan has been entered by the court. As such, the matter is removed from calendar.

7. [20-21413](#)-C-13 IVAN SYTAY OBJECTION TO DEBTOR'S CLAIM OF  
[RDG](#)-3 EXEMPTIONS  
5-26-20 [[38](#)]

**Final ruling:**

This case was dismissed on June 18, 2020. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

8. [20-21420](#)-C-13 MARK/MONICA POWERS MOTION TO CONFIRM PLAN  
[FF](#)-4 5-22-20 [[45](#)]

**Final ruling:**

This is the debtors' motion to confirm an amended plan. The moving party failed to serve the creditors filing Claim Nos. 1-1, 2-3, 3-1, 4-1, 6-1, 7-1, 8-1, 9-1, 11-1 & 12-1 at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g). As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

9. [20-20322](#)-B-13 JEREMY/MELISSA MARTIN MOTION FOR RELIEF FROM  
[APN](#)-1 AUTOMATIC STAY  
5-27-20 [[38](#)]

SUMMIT FUNDING, INC. VS.

**Final ruling:**

This matter is resolved without oral argument. This is Summit Funding, Inc.'s motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and the creditor's interest in the subject property is not adequately protected. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

10. [20-20322](#)-B-13 JEREMY/MELISSA MARTIN MOTION TO CONFIRM PLAN  
[JCK](#)-1 5-13-20 [[32](#)]

11. [20-22623](#)-C-13 MICHAEL BARKALOW AND MOTION TO VALUE COLLATERAL OF  
[SDH](#)-1 JOLIE PERCIVAL CREDIT ACCEPTANCE CORP  
5-26-20 [[12](#)]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

12. [19-26926](#)-C-13 ALEJANDRO/JOANN REYES MOTION TO MODIFY PLAN  
[TLA](#)-4 5-14-20 [[54](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

13. [20-22330](#)-C-13 JOHANNA MEDELLIN OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
6-15-20 [[16](#)]

14. [20-21336](#)-C-13 CHI MA  
[JHK](#)-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
6-8-20 [[48](#)]

AMERICREDIT FINANCIAL  
SERVICES, INC. VS.

**Final ruling:**

This matter is resolved without oral argument. This is Americredit Financial Services, Inc.'s motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and the creditor's interest in the subject property is not adequately protected and debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtors are not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

15. [20-20542](#)-C-13 THOMAS KIM  
[PGM](#)-1

MOTION TO CONFIRM PLAN  
5-14-20 [[39](#)]

16. [16-21744](#)-C-13 DANIEL/EUPHRASIA BLAIR  
[PGM](#)-2

MOTION TO MODIFY PLAN  
6-1-20 [[85](#)]

17. [20-22046](#)-C-13 JOANNE ASPIRAS  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
6-1-20 [[13](#)]

18. [20-22147](#)-B-13 ZARAH GARCIA  
[RAS](#)-1  
OBJECTION TO CONFIRMATION OF  
PLAN BY U.S. BANK TRUST  
NATIONAL ASSOCIATION  
6-16-20 [[32](#)]
19. [20-22147](#)-B-13 ZARAH GARCIA  
[RDG](#)-1  
OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
6-11-20 [[29](#)]
20. [20-21351](#)-B-13 DAVID/ANN READING  
[RDG](#)-1  
CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
5-1-20 [[17](#)]
21. [20-22653](#)-C-13 NOEL LASCANO  
[MRL](#)-1  
MOTION TO VALUE COLLATERAL OF  
LENDMARK FINANCIAL SERVICES,  
LLC  
5-26-20 [[9](#)]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

22. [18-25756](#)-C-13 DAVID SIMS  
[KAZ](#)-3

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
5-20-20 [[193](#)]

BOSCO CREDIT LLC VS.

**Final ruling:**

The hearing on this motion is continued to July 21, 2020 at 1:30 p.m., to be heard at the same time as the hearing on debtor's motion to confirm a modified plan. No appearance is necessary on July 7, 2020.

23. [20-22357](#)-C-13 TRACY WOOD  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
6-15-20 [[18](#)]

24. [18-27659](#)-C-13 BRITTANY HOLMES  
[PSB](#)-2

CONTINUED MOTION TO MODIFY PLAN  
5-8-20 [[47](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

25. [19-26859](#)-C-13 JENNIFER/DAVID KALINEN  
[RDG](#)-2

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
5-18-20 [[43](#)]

**Final ruling:**

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed and the objection to the debtors' claim of exemptions is supported by the record. The court will sustain the trustee's objection to debtors' claim of exemptions. Moving party is to submit an appropriate order. No appearance is necessary.

26. [18-21661](#)-B-13 GERARDO LARA AND NORMA CONTINUED MOTION TO INCUR DEBT  
[CLH](#)-5 CAMARENA 4-15-20 [[150](#)]

**Final ruling:**

**Motion withdrawn by moving party. Matter removed from calendar.**

27. [18-22561](#)-C-13 JOHN/VERONICA GADDIS MOTION TO MODIFY PLAN  
[GAD](#)-1 5-22-20 [[28](#)]

**Final ruling:**

**The motion will be denied as moot. The debtors filed a new modified plan on June 25, 2020, making this motion moot. As a result the court will deny the motion without prejudice by minute order. No appearance is necessary.**

28. [20-21965](#)-B-13 GREGORY MARENGER OBJECTION TO CONFIRMATION OF  
[JFL](#)-1 PLAN BY NEWREZ LLC  
6-18-20 [[34](#)]

29. [20-21965](#)-B-13 GREGORY MARENGER MOTION TO CONFIRM PLAN  
[SDH](#)-2 5-27-20 [[24](#)]



30. [20-21968](#)-C-13 MARCOS/CONNIE VALENCIA OBJECTION TO DEBTOR'S CLAIM OF  
[RDG](#)-2 EXEMPTIONS  
5-18-20 [[28](#)]

**Final ruling:**

The objection will be overruled as moot. The debtors filed an amended Schedule C on May 19, 2020, making this objection moot. As a result the court will overrule the objection without prejudice by minute order. No appearance is necessary.

31. [16-22874](#)-B-13 ANITA TOMBOC MOTION TO MODIFY PLAN  
[MKM](#)-4 5-13-20 [[63](#)]

**Final ruling:**

This is the debtor's motion to confirm a plan. The moving party failed to serve the U.S. Dept. of Education at its address on the Roster of Governmental Agencies, as required by LBR 2002-1(b). As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

32. [16-27674](#)-C-13 STEVEN RENO CONTINUED MOTION TO MODIFY PLAN  
[TLC](#)-3 3-25-20 [[47](#)]

33. [16-27674](#)-C-13 STEVEN RENO MOTION TO SELL  
[TLC](#)-4 6-15-20 [[61](#)]

34. [20-22178](#)-C-13 COREY FULK  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
6-16-20 [[20](#)]

**Final ruling:**

The Trustee filed this objection to confirmation opposing confirmation of the debtor's Chapter 13 plan on the basis that its feasibility relied on the outcome of debtor's motion to value (Dckt. 14) set for hearing June 16, 2020. The hearing on the debtor's motion to value was continued to July 21, 2020, at 1:30 p.m. Because the outcome of this objection relies on the outcome of the motion to value, the hearing on this objection is continued to July 21, 2020 at 1:30 p.m., to be heard by Hon. Christopher Klein. No appearance is necessary on July 7, 2020.

35. [19-21282](#)-C-13 KATHLEEN RAPISURA-PARDO  
[PLC](#)-8

CONTINUED MOTION FOR CONTEMPT  
4-24-20 [[100](#)]

36. [19-21282](#)-C-13 KATHLEEN RAPISURA-PARDO  
[PLC](#)-9

MOTION TO MODIFY PLAN  
5-19-20 [[107](#)]

37. [20-22383](#)-C-13 LAURA WONG  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
6-15-20 [[16](#)]

38. [18-23687](#)-C-13 STEPHANIE ROBERTS  
[MDA](#)-1

MOTION TO MODIFY PLAN  
5-30-20 [[32](#)]

**Final ruling:**

This is the debtor's motion to confirm a plan. The moving party failed to serve the U.S. Dept. of Education at its address on the Roster of Governmental Agencies, as required by LBR 2002-1(b). As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

39. [20-20088](#)-B-13 STEVE PORRAS  
[GMW](#)-7

MOTION TO CONFIRM PLAN  
5-19-20 [[57](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

40. [19-25989](#)-B-13 ANGELINA/MIGUEL PEINADO  
[MMN](#)-3

MOTION TO CONFIRM PLAN  
5-22-20 [[153](#)]

41. [19-26989](#)-B-13 MARGARET VIZINAU  
[PGM](#)-2

MOTION TO CONFIRM PLAN  
5-15-20 [[138](#)]

**Final ruling:**

This is the debtor's motion to confirm an amended plan. The motion will be denied because the moving party failed to serve several of the creditors listed on her Schedule E/F filed on December 6, 2019. As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

42. [20-21794](#)-B-13 GREGORY/JANEE MOORE  
[TBK](#)-1

MOTION TO AVOID LIEN OF  
BENEFICIAL STATE BANK  
6-5-20 [[26](#)]

**Tentative ruling:**

The debtors filed this motion to avoid lien seeking to avoid creditor Beneficial State Bank's judgment lien secured by debtors' residence. Debtors assert the property has a value of \$360,000.00 at the time of filing, and is encumbered by a first deed of trust in the amount of \$246,144.49. Debtors argue that the creditor's \$13,874.62 judgment lien impairs debtors' \$100,000 exemption claimed pursuant to CCCP section 704.730(a)(2). However, no analysis is provided as to debtors' calculations.

The court's calculation shows only \$19.11 of the judgment lien impairs debtors' claimed exemption. The remainder is plainly secured by excess equity in the property above debtors' exemption. Therefore, the court will issue an order granting the motion, and avoiding for all amounts beyond \$13,855.51. The court will hear the matter.

43. [18-23696](#)-B-13 JALEAIL NABIZADAH  
[NDB](#)-2

MOTION TO MODIFY PLAN  
5-20-20 [[55](#)]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

44. [20-21297](#)-C-13 JACKI HUNTER  
[JCW](#)-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY AND/OR MOTION  
FOR RELIEF FROM CO-DEBTOR STAY  
5-22-20 [[27](#)]

CHAMPION MORTGAGE COMPANY  
VS.

45. [19-22599](#)-C-13 STEVEN RUIZ  
[GEL](#)-1

MOTION TO INCUR DEBT  
6-5-20 [[21](#)]